

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VANNUCCI NICHOLLE, et al.,  
Plaintiffs,  
v.  
COUNTY OF SONOMA, et al.,  
Defendants.

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Case No. 18-cv-01955-VC

**ORDER DENYING REQUEST FOR  
EMERGENCY RELIEF**

Re: Dkt. No. 115

The plaintiffs seek emergency relief based on the defendants' decision to begin closing the encampment on the Joe Rodota Trail without yet having offered adequate housing alternatives to every person currently camping there. The plaintiffs are concerned that the defendants will remove some campers from the trail even if those campers are not offered adequate alternatives. The plaintiffs are further concerned that the defendants may invoke the injunction's "immediate hazard or obstruction" section to remove campers despite the absence of any real hazard or obstruction. For example, the plaintiffs posit a scenario in which a substantial number of campers have been placed in adequate housing alternatives but the few campers remaining on the trail are nonetheless removed based on the hazard/obstruction exception even though the truly immediate hazard—created by the 250-person encampment—will have been alleviated.


Although these are plausible concerns, they are not sufficiently concrete to warrant emergency judicial intervention. For example, the injunction does not require the defendants to identify and offer housing to every encampment resident before initiating the process of clearing the encampment; indeed, compliance with any such requirement would almost certainly be

impossible. And although it may well violate the injunction to invoke the hazard/obstruction exception based on dangers that have largely been alleviated, the defendants have not stated an intention to take this approach. Rather, they have stated an intention to offer an adequate housing alternative to each camper before taking enforcement action against that camper, which would be consistent with the injunction to which the parties have agreed.

Accordingly, the plaintiffs' request for emergency relief is denied. This denial does not preclude the plaintiffs from attempting to establish a violation of the injunction after the fact.

**IT IS SO ORDERED.**

Dated: January 29, 2020



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VINCE CHHABRIA  
United States District Judge